



**Attorney General
Betty D. Montgomery**

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January 29, 1997

Via Overnight Mail

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: *In the Matter of Petitions for Limited
Modifications of LATA Boundaries
CC Docket No. 96-159*

Dear Mr. Caton:

Enclosed please find the original and 17 copies of the Comments of the Public Utilities Commission of Ohio in the above-referenced matter. Please return a time-stamped copy to me in the enclosed stamped, self-addressed envelope.

Thank you for your assistance in this matter.

Respectfully submitted,

Betty D. Montgomery
Attorney General of Ohio

Ann E. Henkener
Assistant Attorney General
Public Utilities Section
180 East Broad Street
Columbus, OH 43215-3793
(614) 466-4396
FAX: (614) 644-8764

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BEFORE THE DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)

Petitions for Limited Modifications of)
LATA Boundaries)

CC Docket No. 96-159

COMMENTS OF
THE PUBLIC UTILITIES COMMISSION OF OHIO

OHIO AND OHIO/WEST VIRGINIA

The Public Utilities Commission of Ohio (PUCO) is filing these comments in support of Ameritech's and Bell Atlantic's petitions for approval of certain LATA boundary modifications in Ohio, as contemplated under Section 3(25) of the Communications Act of 1934, as amended, 47 U.S.C. Section 153. The first modification would allow one-way extended area service across the LATA boundary from Ameritech's Duffy Exchange in Ohio to Bell Atlantic's New Martinsville Exchange in West Virginia. In December 1995, subscribers of the Duffy Exchange placed an average of 9.94 calls per access line to the New Martinsville Exchange. On August 22, 1996, in Case No. 95-983-TP-PEX, the PUCO, in considering this factor as well as numerous other factors, found that a community of interest existed which justified expanding the local calling area. In a subsequent order on October 10, 1996, Ameritech was ordered to seek within 30 days appropriate approval from the Commission to provide such service. In doing so, the Ohio Commission recognized that the Commission now has jurisdiction over these matters, pursuant to the Telecommunications Act of 1996.

The additional modifications subject to Ameritech's pending petition involves three exchanges served by Western Reserve Telephone Company (Twinsburg, Northfield, and Aurora exchanges). On March 23, 1995, in Case No. 94-1103-TP-PEX, the PUCO ordered one-way extended local calling service across the LATA boundary from these three exchanges to Ameritech's Akron Exchange, finding that a community of interest existed. On October 24, 1996, Ameritech was directed to seek approval from the FCC for the interLATA modification within 20 days of that order. As Ameritech correctly notes, Section 271(b)(4) of the 1996 Act may provide for an exception to the general in-region interLATA prohibition applicable to Ameritech the RBOC which would permit Ameritech to terminate the interLATA traffic from Western Reserve, which is not an RBOC. For this additional reason, the FCC may approve the petition as it pertains to these three modifications.

Bell Atlantic filed for a modification to provide extended local calling service across the LATA boundary between its Mason, West Virginia Exchange and GTE's Pomeroy Ohio Exchange. On March 9, 1995, as supplemented on December 21, 1995, in Case No. 92-2046-TP-PEX, the PUCO granted one-way flat rate extended area service from Pomeroy to Mason. In ordering this service, the PUCO gave consideration to the Public Service Commission of West Virginia's finding in Case No. 92-1188-T-C, on January 2, 1995, that a substantial and significant community of interest existed between these exchanges. Since the implementation of two-way, rather than one-way, extended local calling is preferable, the PUCO determined that extended local calling between these exchanges would serve the interests of the citizens of Ohio. GTE has informed the PUCO that the proposed in-service date for this service is February 6, 1997.

Ameritech and Bell Atlantic only seek such LATA modifications for the specific geographic areas and purposes described in their petitions. Further, the PUCO appropriately determined in record proceedings that a community of interest exists in

these geographic areas which would warrant such modifications. For these reasons, and since these matters have been pending before the PUCO for an extended period of time, we strongly urge the FCC to grant the relief sought by Ameritech in its petition for the interLATA modifications.

Respectfully submitted,

Betty D. Montgomery
Attorney General

A handwritten signature in cursive script, appearing to read "Ann E. Henkener", is written over a horizontal line.

Ann E. Henkener
Assistant Attorney General
Public Utilities Section
180 East Broad Street
Columbus, OH 43215-3793
(614) 466-4396
FAX: (614) 644-8764